

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

AMY M. HICKS, §
Plaintiff, §
§
v. § Civil Action No. 3:17-CV-0809-D
§
§
DALLAS COUNTY COMMUNITY §
COLLEGES, §
Defendant. §

ORDER

After making an independent review of the pleadings, files, and records in this case, the findings, conclusions, and recommendation of the magistrate judge, and plaintiff's objections and defendant's opposition to plaintiff's objections, the court concludes that the findings and conclusions are correct in part. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted in part as follows.

Defendant's May 30, 2017 motion to dismiss plaintiff's complaint under Rules 12(b)(5) and 12(b)(6) is granted. Plaintiff is given 28 days from the date of this order to file a second amended complaint* and to effect proper service of the summons and second amended complaint on defendant.

Defendant's July 11, 2017 motion to strike is granted.

*As the magistrate judge noted in her findings, conclusions, and recommendation, plaintiff's verified answers to the magistrate judge's questionnaire constitute an amendment to the complaint. Accordingly, the amended complaint required by this order will be treated as plaintiff's second amended complaint.

Plaintiff's August 25, 2017 motion for summary judgment is denied as moot.

SO ORDERED.

December 28, 2017.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE